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13 **UNITED STATES DISTRICT COURT**  
14 **DISTRICT OF NEVADA**

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16 The Estate of MARILYN BURGARD,  
17 Deceased, by and through KEVIN HORAN  
18 its Special Administrator,

19 Plaintiff,

20 vs.

21 BANK OF AMERICA, N.A., a foreign  
22 Corporation; AETNA LIFE INSURANCE  
23 COMPANY, a foreign Corporation; DOES I  
24 through X; and ROE CORPORATIONS I  
25 through X.

26 Defendants.

27 **CASE NO.: 2:15-cv-00833-RFD-GWF**

28  
29 **STIPULATION AND ORDER EXTENDING THE TIME TO FILE OPPOSITION TO**  
30 **DEFENDANTS' MOTION FOR SUMMARY JUDGMENT REGARDING ERISA**  
31 **PREEMPTION AND ELIGIBILITY FOR BENEFITS**  
32 **(First Request)**

33 The Parties have stipulated to give Plaintiff a forty-five (45) day extension of time to file the  
34 Opposition to Defendants' Motion for Summary Judgment Regarding ERISA Preemption and  
35 Eligibility for Benefits (ECF No. 47) in this matter. The reasons supporting this stipulation are as  
36 follows: The Honorable Magistrate George Foley, Jr. issued a September 9, 2016 Order, granting  
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in part and denying in part Defendants' Motion for Protective Order (ECF Nos. 39 and 50). The Honorable Magistrate Foley is permitting Plaintiff to take the deposition of one Rule 30(b)(6) representative and the parties have agreed that it would be most efficient for said deposition to be completed before Plaintiff opposes the Motion for Summary Judgment.

The Parties request a forty-five day extension of time, up to and including, November 3, 2016, for Plaintiff to file its Opposition. This is the first extension of time requested by the Parties related to this Motion (ECF No. 47).

IT IS STIPULATED AND AGREED by and between the parties that Plaintiff shall have up to and including November 3, 2016, to file its Opposition to Defendants' Motion for Summary Judgment Regarding ERISA Preemption and Eligibility for Benefits (ECF No. 47).


Dated this 19th day of September, 2016.

Dated this 19th day of September, 2016.

/s/ Sarah M. Banda, Esq.  
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 Attorneys for Defendants Aetna Life Insurance  
 Company and Bank of America

IT IS SO ORDERED.

  
 RICHARD F. BOULWARE, II  
 United States District Judge  
 DATED this 29th day of September, 2016.